

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
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E911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
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Subscriber Notification and Acknowledgement and Compliance Report

Lingo, Inc. (“Lingo”) hereby submits this Subscriber Notification and Acknowledgement and Compliance Report in accordance with the Guidance provided by Enforcement Bureau of the Federal Communications Commission (“Commission”) on July 26, 2005.¹

I. INTRODUCTION.

Lingo provides both a residential and business voice over internet protocol (“VoIP”) product to subscribers. Launched in the summer of 2004, the Lingo product provides customers with Emergency Calling Services (“ECS”)² rather than traditional 911/E911 services. Before the Commission’s recent Order,³ Lingo’s disclosure of the capabilities and limitations of its ECS was one of the most robust in the industry. Given the requirements of the Order and Lingo’s commitment to the safety of its users, in June,

¹ Public Notice, “Enforcement Bureau Provides Guidance to Interconnected Voice over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines,” DA 05-2085 (rel. July 26, 2005).

² Lingo purchases its ECS from Intrado, a third party provider.

³ *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116, 2005 WL 323217 (rel. Jun 3, 2005).

Lingo identified key personnel and tasked them with the responsibility of ensuring that the company took all reasonable steps to comply with the Commission's rules regarding customer advisories and E911 service more generally. Lingo has engaged in, and continues to be engaged in, an aggressive campaign to notify (again) and further educate its customers regarding the important differences between the features and functionality of ECS provided by Lingo and traditional 911/E911 services.

II. CUSTOMER NOTIFICATION, ACKNOWLEDGEMENT & EDUCATION – PRE FCC ORDER.

Lingo prides itself on its history of providing consumers with up-front information and robust disclosures regarding the ECS that is offered with the Lingo services.

From the launch of the product in 2004, Lingo included a detailed description of the ECS services in its terms and conditions, and specifically advised consumers of the difference between ECS and traditional E911/911 service. (See Exhibit A.) During the on-line sign up process, customers had to affirmatively acknowledge that they had read the terms and conditions. In April, 2005, Lingo expanded Step 5 of the on-line sign up process whereby consumers were now required to separately acknowledge the disclosure regarding the differences between ECS and E911/911 service.⁴ (See Exhibit B.) Customers could not order Lingo's services on-line without reading and agreeing to those terms. This type of disclosure alerted customers to the important differences between ECS and 911/E911. Lingo also moved the ECS portion of the terms and conditions to a more prominent place in its general terms and conditions in October 2004.

⁴ While Lingo did not specifically log the exact time and date the customer acknowledged the ECS terms and conditions, Lingo did retain the time and date that the entire order was completed.

In the wake of the concerns expressed by the City of New York regarding the routing of VoIP 911 calls to administrative lines at the Public Safety Answering Points (“PSAPs”) in April, 2005, and their indication to our underlying ECS provider that such calls would no longer be accepted, Lingo mailed an informational letter to its customers, allowing them to cancel the service without penalty, regardless of whether they were outside of their trial period. (See Exhibit C.) Additional letters were mailed to Lingo customers supported by other PSAPs that are located in counties (or municipalities, as the case may be), that publicly stated that the applicable PSAP would no longer support calls to administrative lines, allowing those customers to cancel the service without penalty as well.

III. LINGO’S EFFORTS TO SATISFY THE COMMISSION’S NOTIFICATION REQUIREMENTS.

A. A detailed description of all actions Lingo has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service.

Since the typical Lingo customer is a very net-savvy individual, Lingo determined that the most effective way to reach its existing subscriber-base was to have customers use an on-line customer advisory (“Advisory”) and on-line acknowledgement of the Advisory. It took substantial resources for Lingo to ensure all systems supported this new element of the process, as changes not only had to be made to the text of the disclosure, but also to prepare the back office systems to record and manage the online acknowledgements.

For new subscribers who place their order on-line, the on-line Advisory and acknowledgement of the Advisory are now part of Step 5 in the sign up process (see

Exhibit D).⁵ For new subscribers who place their order with the call center used by Lingo after July 27, 2005, the customer is read the Advisory and accepts the terms via voice verification described in Section III(F). The customer cannot order or receive Lingo service without making this acknowledgement, either as part of the on-line or call center process, which are the only ways a subscriber can order service.

Through various methods (described below), existing subscribers have been directed to access their online account management tool, which then prompts them to review and accept the terms of the Advisory (see Exhibit E)⁶. If the customer chooses to bypass the Advisory, they will be prompted to review and accept the terms of the Advisory each time they access their online account management tool.

The challenge for Lingo was to ensure that the existing subscriber base accessed their account management tool and affirmatively acknowledged the Advisory within the time period required by the Commission. Considering this is summer time, and many are on vacation and/or not regularly checking mail, Lingo initiated a four (4)- pronged approach in its attempt to efficiently reach all subscribers and prompt them to respond.

Direct Mail. On July 21, 2005, Lingo sent a package via first class mail to customers that contained the following items (1) an introductory letter explaining the purpose of the mailing and noting that service may be suspended if an acknowledgement is not received (See Exhibit F); (2) an informational pamphlet about emergency calling (See Exhibit G); and (3) a sticker sheet with instructions (See Exhibit H.) While not required by the Commission, Lingo was concerned about the questions that customers may have and included the additional information pamphlet in its mailing for easy

⁵ Available as of July 27, 2005 at 3:10 a.m. EST.

⁶ Available as of July 27, 2005 at 3:10 a.m. EST.

reference. No detail was overlooked with the direct mail campaign – customers were alerted to the importance of the situation, down to the envelope that contained the materials. (See Exhibit I for envelope sent with first mailing; See Exhibit J for envelope for the 2nd mailing.)

Some of the packages were returned to Lingo as undeliverable. Lingo then reviewed and corrected those addresses, and has scheduled a second mailings via first class mail for August 12, 2005 and August 16, 2005. (See Exhibits P, G, H and J.) To the extent that Lingo receives returned items from this mailing that are not able to be resent with updated addresses, Lingo will then further contact the individual via alternative means and request they visit a website that will give them instructions for acknowledging the Advisory as well as online access to the informational pamphlet and sticker sheet.

Contact via e-mail. Lingo has also utilized its close contact with its customer base through an electronic mailing. On July 27, 2005, the first of a sequence of e-mails was sent to the customer base (See Exhibit K for text.) Thereafter, on August 3, 2005, a second e-mail was sent to those customers who had not completed their acknowledgement, explaining the urgency of the situation. (See Exhibit L for text.) Each time an acknowledgement is made, Lingo removes the customer from the address list for the e-mail campaign. If the e-mail is not delivered or otherwise returned to Lingo, Lingo then tags that customer for priority treatment using the other methods of contact. Effective August 8, 2005, e-mails continue to be sent every three (3) days per the schedule described in Section E below.

Contact via Lingo Voicemail. All Customers will also be contacted via voicemail to their Lingo telephone number. Lingo will begin these voicemails in the week of August 11, 2005. Customers will then need to access their voicemail to hear the important message from Lingo. This pre-recorded message will instruct customers to access their online account management tool and read the Advisory. (See Exhibit M for script of message.)

Customer Service Messages. Beginning August 5, 2005, a prerecorded message is played for all consumers who contact the Lingo Customer Care department. (See Exhibit N for script.) Customers are required to listen to this message before being placed into the queue for service. This will not only allow Lingo to reach the portion of its subscriber base that has not submitted acknowledgements, but will also remind customers about the important differences between Lingo's ECS service and traditional 911/E911 calling.

B. A quantification of how many of Lingo's subscribers, on a percentage basis, have submitted an affirmative acknowledgement (as of the date of this report) and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.

As of 12:00 a.m., August 10, 2005, Lingo has received affirmative acknowledgements from approximately sixty-six percent (66%) of its subscribers. While Lingo is taking a variety of steps to receive acknowledgments from one hundred percent (100 %) of its subscribers by August 29, 2005, Lingo estimates that it will probably not receive acknowledgements from up to twenty five percent (25%) of its subscriber base by that date, based on the current projections of acceptances and churn rate.

C. A detailed description of whether and how Lingo has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing

the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service.

Lingo distributed the warning stickers (See Exhibit H) to all existing customers as of July 14, 2005 in the initial direct mail package sent on July 21, 2005 and referenced in III(A) above. New customers have been sent the stickers, letter and ECS/911 pamphlet via separate mailings.

On a going forward basis, stickers will be provided via different means, depending on whether the customer orders the CPE directly from Lingo ("Direct Ship CPE"), or purchases the CPE from a third party provider ("Third Party CPE").⁷

For Direct Ship CPE, Lingo's fulfillment center is scheduled to begin affixing warning stickers to the CPE adaptor used to access the Lingo service before delivery, effective August 10, 2005. Lingo has also arranged for new customers receiving Direct Ship CPE to receive the CPE adaptor, appropriately labeled, additional stickers for the customer's phone, and the ECS/911 pamphlet in the CPE box.

For those customers purchasing Third Party CPE, Lingo is currently in negotiations with the CPE manufacturer to establish a process whereby either the manufacturer will affix the sticker to the CPE and include the pamphlet/phone stickers in the CPE box, or the manufacturer's retailers will complete this task. Until these procedures are in place, Lingo will be reviewing its list of new Third Party CPE customers each day and mailing stickers to customers on a daily basis. Lingo is also actively considering other prompt steps it can take to ensure that there will be no gap between sending a sticker and initiation of service for these Third Party CPE customers.

⁷ Lingo is the preferred VoIP provider for a specific manufacturer of CPE. Customers typically purchase the CPE from the manufacturer (or the manufacturer's retail outlets) and then will order the actual service from Lingo.

D. *A quantification of how many subscribers, on a percentage basis, to whom Lingo did NOT send the advisory described in (A) above and/or to whom Lingo did NOT send warning stickers or other appropriate label as identified in (C) above.*

As of 12:00 a.m. EST August 10, 2005, Lingo sent 100% of its customers instructions via e-mail and direct mail advising them to access their account to view and accept the Advisory. While some were returned due to improper addresses, Lingo is taking additional follow-up steps to ensure, to the maximum extent possible, that those customers receive the packages as noted above.

As of August 10, 2005, Lingo mailed approximately 99%⁸ of all of its customers warning stickers or other appropriate labels. While some of these packages were returned due to improper addresses, Lingo is taking additional follow-up steps to ensure, to the maximum extent possible, that those customers receive the packages as noted above.

E. *Detailed description of any and all actions Lingo plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including but not limited to, disconnecting the subscriber's VoIP service with Lingo no later than August 30, 2005.*

Lingo is committed to a goal of receiving 100% response rate from its subscriber base, and throughout the month of August, Lingo will continue its efforts to achieve this goal. The schedule below is effective as of August 5, 2005. While this schedule is confirmed at this time, to the extent that Lingo determines that alternative methods of communication may be more effective, these methods will be used in addition to those described below. Each contact will warn the customer of potential loss of service.

⁸ The 1% figure includes 426 customers who did not enter an address in their account, or otherwise deleted the address from their account, and any Third Party CPE customers that have signed up for service after 11:59 p.m. on August 9, 2005.

- Beginning August 8, 2005: Every 3 days until the Advisory is received, Lingo will send a reminder emails to customers who have not yet accepted the terms of the Advisory.
- Week of August 11, 2005: Voicemail to all customers reminding them to review and accept the terms of the Advisory.
- Week of August 15, 2005: Second voicemail to all customers reminding them to review and accept the terms of the Advisory.
- Week of August 15, 2005: Send USPS letter to all customers that have not yet accepted the terms of the Advisory.
- Week of August 22, 2005: Outbound calls to customers who have not yet accepted the terms of the Advisory.

Currently, the strategy is to review the results of the campaign daily and continue to modify the plan as appropriate.

With respect to the issue of those subscribers that have not responded by the August 29 deadline, Lingo intends to take all actions legally required, including potentially suspending service.

F. *A detailed description of how Lingo is currently maintaining any acknowledgements received from its subscribers.*

For the existing and new customers who confirm their acknowledgement of the advisory online, Lingo will maintain a copy of the acknowledgement text. Then, in a database, Lingo will store the date and time the user clicked “I Accept”. This acknowledgement can be tracked back to the user by the fact that they were logged into the account (which requires a username and password) and/or used their credit card.

For new customers who place their orders via the telephone in Lingo’s call center, Lingo will place the customer into an interactive voice response system (“IVR”) where the advisory will be read to the customer, and a voice verification will be conducted. (See

Exhibit O.) The customer's date of birth will be collected as personally identifiable information. Lingo's third party voice verification provider will store these recordings, and mark them with the date and time the acknowledgement was collected. Lingo will have access to these voice recordings, if necessary. Lingo will also store the date and time of the acknowledgement in a database.

G. The name, title, address, phone number and e-mail address of the person(s) responsible for the Company's compliance efforts with the Order.

The following individuals are responsible for the implementation and coordination of the Lingo compliance program with respect to the Order:

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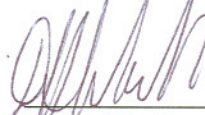
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⁹ Primus Telecommunications, Inc. is an affiliate of Lingo and resources are shared through inter-company arrangements. The ultimate corporate parent of both entities is Primus Telecommunications Group, Inc.

Respectfully submitted,

LINGO, INC.



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cc: Byron McCoy
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